

### **III. REMARKS**

#### **Status of the Claims**

Claim 1 is amended. Claims 1-36 are presented for further consideration.

#### **Summary of the Office Action**

Claims 1-36 stand rejected under 35USC102(e) on the basis of the cited reference Hansted, U.S. Publication No. 2002/0006826. The Examiner is respectfully requested to reconsider his rejection in view of the above amendments and the following remarks.

#### **The Invention**

Independent claim 1 defines a method for distributing and executing recreational applications on at least two terminals of a cellular radio network. After a proposal for participation is made and established, the required software package is obtained for execution on one or more of the terminals. The reference Hansted does not operate in this fashion, as there is no provision for downloading software to a terminal and the recreational application is executed on a database server.

#### **Discussion of the Cited Reference**

The Examiner has cited the reference Hansted in support of the rejection based on anticipation. The system of Hansted is primarily concerned with the setting up of multiple players and the distribution of scoring for playing a game on a central data processing unit. A player uses a portable communication unit to communicate with the central data processing unit. There is no mention of downloading recreational applications to the portable communication unit. The game in Hansted is executed at the

central processing unit, see paragraphs #0011 and #0161. The Examiner characterizes certain paragraphs as follows:

"transmitting from the second terminal arrangement to the first terminal arrangement a request for obtaining a software component necessary for setting up a common (#0095, 0131, 0077-0082), shared session of utilizing one of said proposed recreational applications and as a response to receiving said request in said first terminal arrangement, transmitting said software component from the terminal arrangement to the second terminal arrangement (paragraphs # 0095, 0099-0101)"

Paragraph 0095 relates to a multiple login case, in which at least two users log in using a single terminal device (see paragraph 0084). In the claimed invention two separate terminal arrangements are described.

Paragraphs 0099-0101 in Hansted describe general factors of inviting, clearly assuming that each invited terminal device is inherently capable of taking part, i.e. already previously possesses enough software components for setting up a common, shared session.

The referenced paragraphs do not support the Examiner's statement. Throughout the reference Hansted, there is described instances where the central data processing unit sends game information (#0041), this includes: next event data (#0042), advertisements (#0043), statistics (#0044), starting point (#0052), other players (#0053), user name and password (#0071), session identifiers (#0079, and other information. There is no mention of the transmission of software components. This is because the recreational application is executable on the central data processing unit.

The reference Hansted therefore, is missing the primary elements of claim 1 of the subject application, namely, means to set up

the communication units for executing the recreational application.

It is well settled that a claim is anticipated, only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. To determine this, the elements of the claim and their function and purpose within the claim must be reviewed in a manner similar to an infringement analysis. If the device described in the cited reference would not infringe, if it was later, it will not anticipate if the reference is earlier.

Applying this standard to the system of the reference Hansted, it becomes clear that this system is missing significant elements of independent claim 1. Claim 1 states:

**"only after the second terminal arrangement has received said proposal, using the communicational capabilities of at least one of the first and second terminal arrangements to establish a state where both the first terminal arrangement and the second terminal arrangement possess enough software components for setting up a common, shared session executable on said first and second terminals of utilising said recreational application."**

Since the means to accomplish the above steps forms no part of the system of Hansted, there would be no infringement, if Hansted was later, therefore, the cited reference does not support the rejection by the Examiner based on anticipation.

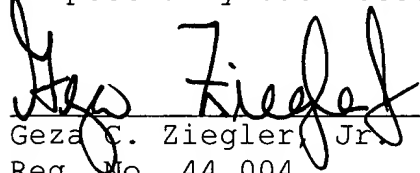
The above arguments are equally applicable to the rejected dependent claims 2-36.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should

any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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30 July 2004  
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